

NOT FOR PUBLICATION - FOR UPLOAD

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

Flora Nicholas and Paul Gayter, in)	
their own right and as next friend)	
of S.G.,)	Civ. No. 2001-147 M/R
)	
Plaintiff,)	
)	
v.)	
)	
Wyndham International Inc., Wyndham)	
Management Corporation, Sugar Bay)	
Club & Resort Corporation, Rick)	
Blyth and Bryan Hornby,)	
)	
Defendants.)	
_____)	

ATTORNEYS:

Daryl C. Barnes, Esq.
St. Croix, U.S.V.I.
Joseph Petrosinelli, Esq.
Washington, D.C.
For the plaintiffs,

Douglas C. Beach, Esq.
St. Thomas, U.S.V.I.
*For defendants Wyndham International Inc., Wyndham
Management Corp., Sugar Bay Club & Resort Corp., and
Rick Blyth,*

John A. Zebedee, Esq.
St. Thomas, U.S.V.I.
For defendant Bryan Hornby.

ORDER

Moore, J.

On December 8, 2003, I denied defendant Brian Hornby's motion for a clarification of my October 15, 2003 memorandum and order regarding independent medical examinations. I found that Hornby's motion was frivolous and awarded the plaintiffs attorneys' fees and costs for the expenses their attorneys incurred in responding to Hornby's unnecessary request for a clarification. The plaintiffs have since filed a motion for an award of attorneys fees associated with their response to Hornby's motion.¹ Having reviewed the plaintiffs' motion, as well as the accompanying declaration by the plaintiffs' attorney, it is hereby

ORDERED that defendant Hornby shall, within ten (10) days of the date of this order, pay to the plaintiffs \$ 2,000.00 for attorneys' fees they incurred in responding to his motion for clarification.

¹ The plaintiffs inform in their motion for attorneys fees that they are willing to forego recovery of copying and other minor costs associated with responding to Hornby's motion.

ENTERED this 9th day of November, 2004.

For the Court

_____/s/_____
Thomas K. Moore
District Judge

ATTEST:
WILFREDO MORALES
Clerk of the Court

By:_____/s/_____
Deputy Clerk

Copies to:
Hon. G.W. Cannon
Daryl Barnes, Esq.
Joseph Petrosinelli, Esq.
Douglas C. Beach, Esq.
John A. Zebedee, Esq.
Mrs. Jackson
Jeffrey Corey